

William A. Isaacson
BOIES, SCHILLER & FLEXNER LLP
5301 Wisconsin Ave. NW, Suite 800
Washington, D.C. 20015
Telephone: (202) 237-2727
Facsimile: (202) 237-6131
Email: wisaacson@bsfllp.com

Philip J. Iovieno
Anne M. Nardacci
BOIES, SCHILLER & FLEXNER LLP
30 South Pearl Street, 11th Floor
Albany, NY 12207
Telephone: (518) 434-0600
Facsimile: (518) 434-0665
Email: piovieno@bsfllp.com
Email: anardacci@bsfllp.com

*Counsel for Schultze Agency Services, LLC, on
behalf of Tweeter Opco, LLC and Tweeter Newco,
LLC*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION**

This document relates to:

*Schultze Agency Services, LLC, on behalf of
Tweeter Opco, LLC and Tweeter Newco, LLC
v. Hitachi, Ltd., et al., No. 12-cv-02649-SC*

Master File No. 07-5944 SC

MDL No. 1917

**DECLARATION OF PHILIP J.
IOVIENO IN SUPPORT OF
SCHULTZE AGENCY SERVICES,
LLC'S (TWEETER'S) OPPOSITION
TO THE TOSHIBA DEFENDANTS'
MOTION TO DISMISS TWEETER'S
FIRST AMENDED COMPLAINT**

**Judge: Hon. Samuel P. Conti
Court: Courtroom 1, 17th Floor
Date: December 20, 2013
Time: 10:00 a.m.**

1 I, **PHILIP J. IOVIENO**, declare as follows:

2 1. I am a partner at the law firm of Boies, Schiller & Flexner LLP, counsel for
3 several of the Direct Action Plaintiffs (“DAPs”) in this matter, including Schultze Agency
4 Services, LLC (“Tweeter”), and I am licensed to practice law in the State of New York and
5 admitted to practice *pro hac vice* before this Court.

6 2. Attached hereto as Exhibit A is a true and correct copy of Tweeter’s demand letter
7 under Section 9 of Chapter 93A of the Massachusetts General Laws, which was sent to counsel
8 for Philips Electronics North America Corporation (“PENAC”) by electronic mail on November
9 14, 2011.

10 3. Attached hereto as Exhibit B is a true and correct copy of Tweeter’s demand letter
11 under Section 9 of Chapter 93A of the Massachusetts General Laws, which was sent to counsel
12 for Koninklijke Philips Electronics N.V. by electronic mail on November 14, 2011.

13 4. The copy of the demand letter to PENAC that was previously submitted with
14 Tweeter’s opposition brief was regenerated from the final Microsoft Word version of the
15 document sent to PENAC. When that document was printed and attached to the opposition brief,
16 the mail merge feature of the document malfunctioned and eliminated portions of the zip code.
17 The letter that was actually sent to PENAC (*i.e.*, Exhibit A to this declaration), however,
18 contained the complete address, including the zip code.

19
20 I declare under penalty of perjury that the foregoing is true and correct.

21 Executed this 6th day of December, 2013, at Albany, New York.

22
23 /s/ Philip J. Iovieno
24 Philip J. Iovieno